

RESULTS OF INVESTIGATION: Examination showed that the article contained added water.

LIBELED: 9-16-58, Dist. Mass.

CHARGE: 402(b) (2)—water had been substituted in part for orange juice when shipped; and 403(a)—the label statement "Orange Juice" was false and misleading.

DISPOSITION: 10-31-58. Default—destruction.

25305. Canned orange juice. (F.D.C. No. 42196. S. No. 7-927 P.)

QUANTITY: 137 cases, 24 1-pt. 2-oz. cans each, at Portland, Maine.

SHIPPED: 4-24-58, from Anaheim, Calif., by E. A. Silzle Corp.

LABEL IN PART: (Can) "'YOR' Garden California Unsweetened Orange Juice * * * First National Stores Inc. Distributors Somerville, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article contained added water.

LIBELED: 10-1-58, Dist. Maine.

CHARGE: 402(b) (2)—water had been substituted in part for orange juice when shipped; and 403(a)—the label statement "Orange Juice" was false and misleading.

DISPOSITION: 12-5-58. Default—delivered to a local institution for charitable use.

VEGETABLES AND VEGETABLE PRODUCTS*

25306. Dried black-eyed beans, dried California red beans, dried lima beans, dried pink beans, dried small white beans, dried kidney beans, and dried sunflower seeds. (Inj. No. 314.)

COMPLAINT FOR INJUNCTION FILED: 6-11-57, N. Dist. Calif., against Antone A. Anastasi, Sr., t/a Oakland Bean Cleaning & Storage Co., Knights Landing, Calif., and Antone A. Anastasi, Jr., warehouse manager.

CHARGE: The complaint alleged that the defendants were engaged in the business of cleaning, bagging, storing, and distributing various varieties of dried beans and sunflower seeds, and, that they had been and were introducing and causing to be introduced into interstate commerce, such articles which were adulterated within the meaning of 402(a) (3) and (4) by reason of the presence therein of rodent filth, and by reason of holding such articles under insanitary conditions at the defendants' warehouse at Knights Landing.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of dead rodents, rodent urine, rodent feces, rodent hairs, and other filth contributed by rodents in and about the foods stored in the defendants' warehouse.

The complaint alleged further that the defendants were well aware that their activities were violative of the Act; that various inspections had been made by the Food and Drug Administration, at which times the insanitary conditions in the plant were called to the attention of the defendants; and that despite such warnings, the defendants failed to correct the insanitary conditions and continued to introduce into interstate commerce, foods which were adulterated as specified above.

*See also No. 25286.

DISPOSITION: On 6-11-57, the court issued a temporary restraining order enjoining the defendants from introducing into interstate commerce, various varieties of dried beans and sunflower seeds adulterated within the meaning of 402(a) (3) and (4). The order also enjoined the defendants against introducing into interstate commerce, any dried beans on hand at defendants' warehouse at Knights Landing, Calif., which were stored there on 5-7-57, and any sunflower seeds on hand at such warehouse which were stored there on 4-23-57. On 6-19-57, upon stipulation of the parties, the court ordered that the temporary restraining order remain in effect until 8-9-57, and that the articles of food covered by the order be released from the terms of the order when brought into compliance with the law under the supervision of the Food and Drug Administration.

On 8-8-57, the defendants having consented, the court entered a decree permanently enjoining and restraining the defendants from introducing into interstate commerce, foods, as described in the complaint, which are adulterated within the meaning of 402(a) (3) and (4).

It was further ordered that, upon final disposition of all beans and sunflower seeds stored or handled by the defendants from the production of the 1957-1958 crop year, the court would entertain a motion to dissolve the injunction provided that the Government inform the court that defendants' storage, processing, and distribution of such foods were in compliance with the decree.

25307. Dried fava beans. (F.D.C. No. 42195. S. Nos. 30-059/60 P.)

QUANTITY: 8 155-lb. bags and 4 110-lb. bags at New York, N.Y.

SHIPPED: From Portugal.

LIBELED: 9-22-58, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 10-24-58. Default—destruction.

25308. Dried mung beans. (F.D.C. No. 42529. S. Nos. 47-408 P, 47-411 P.)

QUANTITY: 25 100-lb. bags, at Charlestown, Mass., in possession of Hoosac Storage & Warehouse Co.

SHIPPED: 10-31-58, from Enid, Okla.

LIBELED: 11-26-58, Dist. Mass.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 12-30-58. Default—destruction.

25309. Dried pinto beans. (F.D.C. No. 42176. S. No. 32-027 P.)

QUANTITY: 92 100-lb. bags at Hoboken, N.J.

SHIPPED: 5-29-58, from Moses Lake, Wash.

LIBELED: 9-9-58, Dist. N.J.

CHARGE: 402(a) (3)—contained rodent urine while held for sale.

DISPOSITION: 10-21-58. Consent—claimed by East Coast Food Merchants Co., Hoboken, N.J. Segregated; 30 bags destroyed.

25310. Dried chickpeas. (F.D.C. No. 42259. S. No. 8-027 P.)

QUANTITY: 4 110-lb. bags at Boston, Mass.

SHIPPED: 7-10-58, from New York, N.Y.

LIBELED: 9-25-58, Dist. Mass.